



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/253,783	02/22/1999	SHINICHI HATAE	35.C13342	6059

5514 7590 09/19/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary	Application No. 09/253,783	Applicant(s) HATAE ET AL.	
	Examiner Thien D. Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-11,20-22,24,28 and 34-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8-11,20-22,24,28 and 34-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 8-11, 20-22, 24, 28, 34-49 are rejected under 35 U.S.C. 102(e) as being unpatentable by Baker (U.S Patent No 6,081,852).

Regarding claims 1, 8-11, Baker discloses a data communication system comprising:

a desktop camera & computer (source node) adapted to transfer object data, figure 1; and

one or more printers (destination nodes), figure 1;

computer 12,(controller) adapted to have a control logic in DMA channel connection (control a logical connection) between the source node and the one or more printers, figure 1, col.10 lines 55-65;

wherein said source node is adapted to set a segment size in accordance with reception capabilities of said one or more destination nodes in order to segment object data into one or more segments, to segment the objection data into one or more segments in accordance with the segment length (size) and to transfer data in each segment to said one or more destination addresses (destination nodes) with information corresponding a logical connection set by the controller, col.22 lines 15-20;

wherein the reception capability includes a maximum payload size as long as the size is less than the high water mark of an asynchronous packet being received by the respective destination node, col.18 lines 50-60.

Regarding claim 2, Baker discloses a data communication system, wherein the source node is adapted to transfer data continuously in each segment to the one or more destination node via logical connection, col.22 lines 15-20.

Regarding claim 20, Baker discloses data communication system, wherein the data communication system a serial bus, col.4 lines 50-60.

Regarding claim 22, Baker discloses data communication system, wherein the object data includes image data, col.21 lines 49-51.

Regarding claims 24, 28, 34-38, 42-46 Baker discloses a data communication apparatus of transferring object data from a source node to one or more destination nodes via a logical connection, figure 1, comprising:

a setting step, of setting a segment size in accordance with a reception capability of more or more destination nodes, col.22 lines 15-20;

a segmentation step, of segmenting the object data into one or more segments in accordance with the variable lengths of the packet (segment sizes), col.22 lines 15-20;

transfer step, of transferring data in each segment from the source node one or more destination nodes with information corresponding a logical link set by a controller, col.4 lines 45-50;

wherein the reception capability of the respective destination includes a maximum payload size of an asynchronous packet, col.22 lines 9-22.

Regarding claims 39, 47, Baker discloses that transmission medium is a bus, Col.9 lines 39-45.

Regarding claims 41, 49, Baker discloses that data is one of image, audio, graphic, text data, col.2 lines 10-13.

Regarding claims 21, 40, 48, Baker discloses the network using IEEE 1394-1995 standard, col.4 lines 50-60.

Response to Arguments

3. Applicant's arguments filed 06/28/2006 have been fully considered but they are not persuasive.

Applicant argues that Baker does not disclose that the source node is adapted to set a segment size in accordance with reception capabilities of one or more destination nodes in order to segment object data into one or more segments, to divide the

Art Unit: 2616

objection data into one or more segments in accordance with the segment length (size) and to transfer data in each segment to the one or more destination addresses (destination nodes) with information corresponding to a logical connection set by the controller. However, Examiner respectfully disagrees with the argument because Baker discloses that the computer 12 (source node), figure 1, is adapted to set a segment size in accordance with reception capabilities of the one or more destination nodes in order to segment object data into one or more segments, to segment (divide) the objection data into one or more segments in accordance with the segment length (size) and to transfer data in each segment to the one or more destination addresses (destination nodes) via a port channel (segment to the one or more destination nodes with information corresponding to a logical connection set by the controller), figure 1, col.4 lines 25-40, and col.22 lines 15-20.

Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To, can be reached on (571) 272-7629. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

Art Unit: 2616

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran



DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600